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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

IN RE TELESCOPES ANTITRUST LITIGATION

Case No. 5:20-cv-03642-EJD

THIS DOCUMENT RELATES TO:

Assigned to Hon. Edward J. Davila

AURORA ASTRO PRODUCTS, LLC, PIONEER
CYCLING & FITNESS, LLP; and those similarly
situated,

Plaintiffs,

vs.

**DECLARATION OF LAWRENCE J.H.
LIU IN SUPPORT OF DEFENDANTS'
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE MOTION FOR
RECONSIDERATION, OR
ALTERNATIVELY, CLARIFICATION**

CELESTRON ACQUISITION, LLC, SUZHOU
SYNTA OPTICAL TECHNOLOGY CO., LTD.,
SYNTA CANADA INT'L ENTERPRISES LTD.,
SW TECHNOLOGY CORP., OLIVON
MANUFACTURING CO. LTD., OLIVON USA,
LLC, NANTONG SCHMIDT OPTOELECTRICAL
TECHNOLOGY CO. LTD., NINGBO SUNNY
ELECTRONIC CO., LTD., PACIFIC TELESCOPE
CORP., COREY LEE, DAVID SHEN, SYLVIA
SHEN, JACK CHEN, JEAN SHEN, JOSEPH
LUPICA, DAVE ANDERSON, LAURENCE
HUEN, and DOES 1-50,

Defendants.

*Filed concurrently with Administrative
Motion; [Proposed] Order*

Compl. Filed: June 1, 2020
TSC: May 8, 2024
Trial Date: None Set

1 attorney time-keepers and 76 hours of time among 3 different paralegal time-keepers on the nine MSJs.

2 **The March 14th Conference**

3 5. On March 13, just six days after the filing of the MSJs, the Court issued a notice (the
4 “March 13th Notice”) ordering the parties to appear for a videoconference set for the next morning (the
5 “March 14th Conference”) but the notice did not include any details regarding the substance of the
6 hearing. (ECF No. 732.) The March 13th Notice was also given just 24 hours prior to the March 14th
7 Conference.

8 6. At the March 14th Conference, which I personally attended, the Court indicated that it
9 would not be able to set a hearing and decide Defendants’ nine MSJs in time before trial could be had
10 by the end of the year. The Court proposed striking the nine MSJs and have Defendants refile them as a
11 single omnibus motion.

12 7. Defendants’ counsel did not have an opportunity to consider the Court’s request or
13 consult with their clients before being asked to address the Court’s issues and proposal at the *sua sponte*
14 March 14th Conference. Thus, based upon its current knowledge and understanding, counsel for
15 Defendants may have prematurely and mistakenly represented that Defendants preferred to move
16 forward with trial before the end of 2025 and would be amenable to the Court’s suggested single
17 omnibus brief.

18 8. Defendants’ counsel *emphasized, however*, that the Moving Defendants would require a
19 sufficient number of pages to properly brief each of their unique factual circumstances. Defendants’
20 counsel acknowledged that while there was some overlapping legal analysis and affirmative defenses
21 among some of the Moving Defendants, each Moving Defendant was nonetheless subject to unique
22 factual circumstances.

23 **The March 14th Order and Aftermath**

24 9. The Court ultimately ordered Defendants to refile their MSJs as a single omnibus motion
25 and suggested that the motion be limited to just 45 to 50 pages, and the Court also ordered the parties to
26 meet and confer on a joint briefing schedule to be submitted by March 24th. (ECF No. 733.)

27 10. Even by consolidating some overlapping legal analysis sections, Defendants have
28 attempted, but are unable, to condense the MSJs to 45 to 50 pages while still providing a full and fair

1 briefing for each Moving Defendant's individualized arguments and analysis.

2 11. Defendants' counsel met and conferred with DPPs' counsel and offered two proposals:
3 (1) a single omnibus brief of 75 pages; or alternatively, (2) two omnibus briefs—one for entity
4 Defendants and one for individual Defendants, together totaling 90 pages. DPPs meanwhile insisted on
5 a single omnibus brief of 45 pages.

6 12. Each side submitted its proposal separately to the Court on March 24, 2025. (ECF Nos.
7 735, 736.) The Court has not yet ruled on either side's proposals, including the number of briefs, page
8 limits, or briefing schedule.

9 13. Defendants now respectfully seek leave to file a Motion for Reconsideration, or
10 alternatively, Motion for Clarification regarding the March 14th Order. Attached hereto as **Exhibit A** is
11 a true and correct copy of Defendants' proposed Motion for Reconsideration.

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct.

14 Executed on this 11th day of April, 2025, at Los Angeles, California.

15
16 

17 _____
Lawrence J.H. Liu